



1761

Date  
9-16-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 1761

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AUG 06 2003  
GROUP 1700

In re

Patent Application of

Robert Lawrence Prosise, et al.

Application No. 09/828,018

Confirmation No.: 6388

Filed: April 6, 2001

Examiner: Pratt, Helen F.

"READY-TO-EAT, NUTRITIONALLY  
BALANCED FOOD COMPOSITIONS  
HAVING SUPERIOR TASTE SYSTEMS"

I, Leslie Rector, hereby certify that this correspondence is  
being deposited with the US Postal Service as first class mail  
in an envelope addressed to Commissioner for Patents, P.O.  
Box 1450, Alexandria, VA 22313-1450, on the date of my  
signature.

Signature

Leslie Rector

Date of Signature

August 1, 2003

**TERMINAL DISCLAIMER TO OBTAIN DOUBLE PATENTING REJECTION OVER  
CO-PENDING PATENT APPLICATIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Mid-America Commercialization Corporation, located at 1500 Hayes Drive, Manhattan, Kansas 66502 (hereinafter "Assignee"), by its undersigned attorney of record, represents that it is the owner of the entire interest in the above-identified application (hereinafter "said Application") by virtue of an assignment recorded October 3, 2002, at Reel 013350, Frames 0604. Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on said Application, beyond the expiration date of the full statutory term of a patent, if granted, on co-pending Patent Application Nos. 09/828,016, 09/827,863, 09/827,802, 09/827,436, and 09/828,015 (hereinafter "said co-pending Applications"), which are owned by Assignee by virtue of an assignment recorded October 3, 2002, at Reel 013350, Frames 0604. Assignee hereby agrees that any patent granted on said Application shall be

enforceable only for and during such period that the legal title of the patent granted on said Application should be the same as the legal title to the patent, if granted, on said co-pending Applications. This agreement shall run with any patent granted on said Application and be binding upon the grantee, its successors or assigns. In making the above disclaimer, Assignee does not disclaim any terminal part of the patent granted on said Application prior to the expiration date of the full statutory term of a patent granted on said co-pending Applications, in the event that the patent granted on said co-pending Applications later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term.

The undersigned is empowered to act on behalf of Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8/1/03

By Wendy M. Safford  
Wendy M. Safford  
Reg. No. 52,205  
Attorney of Record

Attorney Docket No.: 066544-9006

Michael Best & Friedrich LLP  
One South Pinckney Street  
P. O. Box 1806  
Madison, WI 53701-1806

cc: Docketing

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BALANCED FOOD COMPOSITIONS  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application, along with a Request for a 3-month Extension of Time, check in the amount of \$465.00 for extension fee, and Terminal Disclaimer to Obviate Double Patenting Rejection Over Co-Pending Patent Applications.

Applicant claims small entity status.

The fee has been calculated as shown below.

CLAIMS AS AMENDED							
	(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	124	MINUS	124	0	X \$9	0.00	
INDEP. CLAIMS	2	MINUS	3	0	X \$42	0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT <input type="checkbox"/>				0.00			

Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the fees associated with this communication. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
Wendy M. Seffrod  
Reg. No. 52,205

File No. 066544-9006

Michael Best & Friedrich LLP  
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Milwaukee, Wisconsin 53202-4108

(414) 271-6560

Q:\CLIENT\066544\9006\B0237616.1

<b>Application Number</b> 	Application No. 09/828,018	Applicant(s) PROSISE ET AL.

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> APPROVED <i>Pat 9/16/03</i>	<input type="checkbox"/> DISAPPROVED
Document Code - DISQ	This patent is subject to a Terminal Disclaimer	
<b>INTERNAL DOCUMENT – DO NOT MAIL</b>		

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